

## 37 Am. Jur. 2d Fraud and Deceit § 64

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### Fraud and Deceit

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#### IV. False Representations

##### B. Necessity that Representation Be of Fact; Opinions

###### 1. In General

## § 64. What constitutes statement of fact

[Topic Summary](#) | [Correlation Table](#) | [References](#)

### West's Key Number Digest

West's Key Number Digest, [Fraud](#)  11

Neither a statement of policy<sup>1</sup> nor a casual expression of belief<sup>2</sup> is equivalent to a representation of fact, and thus, no claim for fraud may be maintained on such a statement as a false representation of facts. Moreover, no claim of fraud may be made if it rests on a representation of a religious doctrine or belief, even if insincerely made, since the Federal Constitution's First Amendment prohibits courts from determining the veracity of religious tenets.<sup>3</sup>

As a predicate for a fraud action, a representation must be definite; mere vague, general, or indefinite statements are insufficient.<sup>4</sup>

### Caution:

An omission may constitute a material representation for purposes of determining fraud.<sup>5</sup>

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### Footnotes

<sup>1</sup> [Martens v. Minnesota Min. & Mfg. Co.](#), 616 N.W.2d 732 (Minn. 2000) (employer's dual ladder system for compensating and promoting technical and administrative employees).

<sup>2</sup> Vega v. Jones, Day, Reavis & Pogue, 121 Cal. App. 4th 282, 17 Cal. Rptr. 3d 26 (2d Dist. 2004).

<sup>3</sup> Tilton v. Marshall, 925 S.W.2d 672 (Tex. 1996).

<sup>4</sup> Shroyer v. New Cingular Wireless Services, Inc., 622 F.3d 1035 (9th Cir. 2010) (applying California law); Pig Imp. Co., Inc. v. Middle States Holding Co., 943 F. Supp. 392, 31 U.C.C. Rep. Serv. 2d 422 (D. Del. 1996); Tate v. Colony House Builders, Inc., 257 Va. 78, 508 S.E.2d 597 (1999).

<sup>5</sup> In re House of Drugs, Inc., 251 B.R. 206 (Bankr. D. N.J. 2000) (applying New Jersey law).  
As to concealment, generally, see §§ 194 to 226.

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